

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:10-CV-182

CHASTITY DAVIDSON, in her)
individual capacity and as Administratrix)
of the Estate of ANTHONY DEWAYNE)
DAVIDSON,)
)
Plaintiff,)
)
v.)
)
CITY OF STATESVILLE;)
OFFICER DAVID WAYNE LOWERY,)
in his individual and official capacity;)
OFFICER WILLIAM HOWARD)
GOFORTH, in his individual and official)
capacity; IREDELL COUNTY)
SHERIFF PHILLIP H. REDMOND,)
in his individual and official capacity;)
"JOHN DOE SURETY COMPANY";)
OFFICER JASON PATRICK CLOER,)
in his individual and official capacity;)
CORPORAL CHANCE ALLEN)
WILLIAMS, in his individual and)
official capacity; and OFFICER MARC)
ANTHONY CUDDY CARMONA,)
in his individual and official capacity,)
)
Defendants.)
_____)

Exhibit B

1 NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2 IREDELL COUNTY

SUPERIOR COURT DIVISION

3
4 _____)
CHASTITY DAVIDSON, in her individual)
5 capacity and as Administratrix of)
the Estate of ANTHONY DEWAYNE)
6 DAVIDSON,)

7 Plaintiff,)

8 vs.)

10 CvS 02033

9 CITY OF STATESVILLE; OFFICER DAVID)
WAYNE LOWERY, in his official and)
10 individual capacity; OFFICER WILLIAM)
HOWARD GOFORTH, in his official and)
11 individual capacity; IREDELL COUNTY)
SHERIFF PHILLIP H. REDMOND in his)
12 official capacity; "JOHN DOE SURETY)
COMPANY"; OFFICER JASON PATRICK)
13 CLOER, in his official and)
individual capacity; CORPORAL CHANCE)
14 ALLEN WILLIAMS, in his official and)
individual capacity; and OFFICER)
15 MARC ANTHONY CUDDY CARMONA, in his)
official and individual capacity,)

Charlotte,
North Carolina

February 28, 2011

10:30 A.M.

16 Defendants.)
17 _____)
18
19

20 DEPOSITION
21 OF
22 CHASTITY DAVIDSON
23 _____
24

25 Court Reporter: Mark F. Sandbank

1 APPEARANCES:

2 FERGUSON STEIN CHAMBERS GRESHAM &
3 SUMTER, P.A., by
4 JAMES E. FERGUSON, II, ESQ., and
5 LAREENA J. PHILLIPS, ESQ.,
6 741 Kenilworth Avenue, Suite 300
7 Charlotte, NC 28204,
8 appearing on behalf of the Plaintiff.

9 FRAZIER, HILL & FURY, R.L.L.P., by
10 WILLIAM ROZELL, II, ESQ.,
11 500 West Friendly Avenue, Suite 100
12 Greensboro, NC 27401,
13 appearing on behalf of the Defendants City
14 of Statesville; Officer William Howard
15 Goforth; Officer David Wayne Lowery; and
16 Officer Anthony Carmona.

17 CRANFILL, SUMNER & HARTZOG, L.L.P., by
18 PATRICK H. FLANAGAN, ESQ.,
19 227 West Trade Street, Suite 600
20 Charlotte, NC 28202,
21 appearing on behalf of the Defendants Iredell
22 County Sheriff, Phillip H. Redmond; Officer
23 Jason Patrick Cloer; and Corporal Chance
24 Allen Williams.
25

- - - - -

I N D E X

WITNESS	EXAMINATION BY	PAGE
Chastity Davidson	Mr. Rozell	5
	Mr. Flanagan	46

E X H I B I T S

		MARKED
No. 1	Arrest record of Anthony Dewayne Davidson	18
No. 2	SBI report	40
No. 3	Plaintiff's first amended complaint	42

- - - - -

1 The deposition of CHASTITY DAVIDSON was taken by
2 the Defendants for the purpose of discovery and for use
3 as evidence in the above-titled cause, wherein CHASTITY
4 DAVIDSON, in her individual capacity and as
5 Administratrix of the Estate of ANTHONY DEWAYNE
6 DAVIDSON, is the Plaintiff and CITY OF STATESVILLE;
7 OFFICER DAVID WAYNE LOWERY, in his official and
8 individual capacity; OFFICER WILLIAM HOWARD GOFORTH, in
9 his official and individual capacity; IREDELL COUNTY
10 SHERIFF PHILLIP H. REDMOND in his official capacity;
11 "JOHN DOE SURETY COMPANY"; OFFICER JASON PATRICK CLOER,
12 in his official and individual capacity; CORPORAL CHANCE
13 ALLEN WILLIAMS, in his official and individual capacity;
14 and OFFICER MARC ANTHONY CUDDY CARMONA, in his official
15 and individual capacity, are the Defendants, pending in
16 the General Court of Justice, Superior Court Division,
17 Iredell County, North Carolina, pursuant to notice and
18 agreement of counsel, pursuant to the North Carolina
19 Rules of Civil Procedure, before MARK F. SANDBANK, a
20 Notary Public in and for the County of Guilford and
21 State of North Carolina, in the law office of Ferguson
22 Stein Chambers Gresham & Sumter, P.A., 741 Kenilworth
23 Avenue, Suite 300, Charlotte, North Carolina, on the
24 28th day of February 2011, commencing at 10:30 o'clock
25 A.M.

1 Statesville, right?

2 A. Yes.

3 Q. Okay. You drove there together?

4 A. Yes.

5 Q. When you were shopping in the store, were
6 you together the whole time, or did you go separate?

7 A. No. That was when we separated.

8 Q. Did he have stuff he needed to get too?

9 A. Yes, I guess so.

10 Q. So you went---

11 A. He had a buggy.

12 Q. He got a buggy?

13 A. Yeah.

14 Q. Then what happened? Did you meet up at
15 some point before the checkout line?

16 A. Yes.

17 Q. Did you talk to him at that point about the
18 items in his - in the cart?

19 A. Yeah.

20 Q. What did you talk about?

21 A. I told him he didn't have enough to pay for
22 it. He said he had it on his debit card.

23 Q. Was this in the checkout line or before the
24 checkout line?

25 A. As we was going to the checkout line.

1 Q. What happened after that?

2 A. They rung the stuff up, and he swiped the
3 card. It wasn't nothing on there. And he started to
4 push the buggy, and I was letting him know he couldn't
5 take it because it wasn't paid for. So he - he didn't
6 even go out the door. And that's when the manager came
7 up to him. And he walked on out the store, and I was
8 talking to the manager.

9 Q. Were you in the - were you still in the
10 checkout line when they were ringing up the items?

11 A. Yeah.

12 Q. Okay. Did you pay separately for your
13 stuff?

14 A. I didn't even get it.

15 Q. You didn't get yours?

16 A. No. I just put it back down because of all
17 that was going on.

18 Q. So they declined it?

19 A. The card.

20 Q. Then he started to try and push the cart
21 out?

22 And who - and then did you say you tried to stop
23 him?

24 A. Yeah. I told him he couldn't go out the
25 store. Then the manager came up and was telling him he

1 couldn't take it because it wasn't paid for.

2 Q. And then what happened right - what
3 happened after that?

4 A. He walked out of the store.

5 Q. He walked out of the store? And then you
6 talked to the manager?

7 A. Yes.

8 Q. What did you talk to the manager about?

9 A. I told him that he wasn't in his right
10 state of mind at the time and I was getting ready to go
11 try to get him some help.

12 Q. What did you mean by he wasn't in his right
13 state of mind? Had he been having problems?

14 A. Yes. Seemed like, yeah.

15 Q. What problems had he been having?

16 A. We didn't get to find out. We was going to
17 take him to the hospital. We never got to take him.

18 Q. Okay. What - what in his behavior leading
19 up to this---

20 A. It was - he was changing over. He was - he
21 got saved, and he was talking to the Lord a lot.

22 Q. I think I saw something, too, in either the
23 SBI report or your - or your lawsuit. Was there
24 something to do with a lottery ticket?

25 A. Yeah. He thought he won a quarter million

1 dollars.

2 Q. And how long before this incident at the
3 Food Lion would you say his behavior had been different?

4 A. It was about - well, to me it was like a
5 week.

6 Q. When did he buy the lottery ticket? Was it
7 that same day?

8 A. No. I can't remember.

9 Q. Okay. Was he taking any illegal drugs that
10 you know of?

11 A. Not that I know of.

12 Q. To your knowledge, had he ever taken any
13 illegal drugs?

14 A. Do what?

15 Q. To your knowledge, had he ever taken any
16 illegal drugs before?

17 A. Yes.

18 Q. Okay. What had he taken?

19 A. Marijuana.

20 Q. Anything else?

21 A. A X pill.

22 Q. Ecstasy?

23 A. Yes.

24 Q. Anything else?

25 A. Not that I know of.

1 Q. Do you have any idea when the last time he
2 used marijuana or Ecstasy was before that?

3 A. That day. We had smoked a blunt earlier
4 that day.

5 Q. Did you know that the autopsy report and
6 the medical tests in the medical records you sent us
7 show that he had cocaine in his system?

8 A. Yes.

9 Q. Okay. But you didn't know he was taking
10 cocaine?

11 A. No.

12 Q. Okay. So he went outside. You were
13 talking to the manager. Okay. Then what happened? You
14 went outside after that?

15 A. Yeah, and got in my car and was looking for
16 him, riding around in the parking lot. And when I
17 pulled off, I still didn't see him.

18 Q. Did you talk to anybody besides the
19 manager---

20 A. No.

21 Q. ---at Food Lion?

22 A. Not at the Food Lion. Oh. Yeah. No.
23 What are you talking about? The managers?

24 Q. Yeah.

25 A. The manager. And it was, like, another

1 the brother house - smoke a blunt, went to the brother
2 house, and then we went to Food Lion.

3 Q. What time do you think you got up?

4 A. I can't remember.

5 Q. Do you remember about what time it was you
6 got to the Food Lion?

7 A. I can't remember right offhand right now.

8 Q. You testified also earlier that you had
9 talked to the manager of the Food Lion and said that
10 Mr. Davidson wasn't in his right state of mind.

11 A. Yes.

12 Q. And I think you said that you felt like
13 that had started about a week earlier. Is that right?

14 A. When he thought he'd won that lottery.

15 Q. A week earlier he said he'd won the
16 lottery?

17 A. Yes.

18 Q. And I think you said - and correct me if
19 I'm wrong, but I think you said that he had gone through
20 some changes and that he had been saved?

21 A. Yeah. Was in church.

22 Q. Tell me about that.

23 A. I guess he was trying to change his life,
24 and he got saved. He was going to church, reading his
25 Bible, watching the shows on - the gospel shows on TV.